

REMARKS/ARGUMENTS

Applicants respond herein to the Office Action issued on December 19, 2008. A Petition for Extension of Time (two months) and the fee therefor are submitted herewith.

Claims 1, 5-8, 10-13, 15-27, 30-38, 40-49, 51-52, 54-59, 62-74, 78-79 and 82-110 are pending in the Application. All pending claims were rejected in the Office Action. Applicants amend Claims 78-79, 82 and 86 and respectfully request reconsideration of the rejections.

Claims 78, 79 and 82-86 were rejected in the Office Action under 35 U.S.C. 101 as directed to non-statutory subject matter. Applicants amended independent Claim 78 to more particularly recite that the recited program is “embodied on a computer-readable medium encoded with computer executable instructions.” Therefore, Applicants believe that Claim 78 and its dependent Claims 79 and 82-86 are now directed to statutory subject matter. Withdrawal of the rejection is respectfully requested.

Claims 1, 5-8, 10-13, 15-19, 21-22, 31-40, 25-27, 52, 59, 62-65, 67-68, 70, 88, 91-96 and 103-110 were rejected in the Office Action under 35 U.S.C. 103(a) as being unpatentable over Friday (7,260,408), in view of Nakagawa (2006/0056855). Claims 20, 23-24, 30, 87 and 89-90 were rejected under 35 U.S.C. 103(a) as being unpatentable over Friday, in view of Nakagawa, and further in view of the Examiner’s Official Notice. Claims 41, 43-45, 71-74 and 97-98 were rejected under 35 U.S.C. 103(a) as being unpatentable over Friday, in view of Nakagawa, and further in view of Beeson (5,396,543). Claims 42, 49 and 51 were rejected under 35 U.S.C. 103(a) as being unpatentable over Friday, in view of Nakagawa and Beeson, and further in view of Rieser (2001/0034223). Claims 47-48 and 78-79 were rejected under 35 U.S.C. 103(a) as being unpatentable over Friday, in view of Nakagawa, and further in view of Rieser. Claims 54, 55-58, 82 and 83-86 were rejected under 35 U.S.C. 103(a) as being unpatentable over Friday, in view of Nakagawa and Rieser, and further in view of Papadimitriou (6,385,458). Finally, Claims 99-102 were rejected under 35 U.S.C. 103(a) as being unpatentable over Friday, in view of Nakagawa, and further in view of Ryan (2005/0109841).

Claims 1 and 59 recite a system and method, respectively, for detecting a position of a terminal. As illustrated in Fig. 1 of the Application, the system includes an illumination device (103), which is communicably connected to the terminal (101-104) such that the illumination

device transmits a signal to the terminal. The signal includes a unique information which is received and extracted by the terminal (101-104). The system further includes a position estimation device (102-109-110) communicably connected to the terminal and receiving an illumination installation position information from the terminal. The illumination installation position information received by the position estimation device from the terminal includes the unique information and a position information indicating the installation position of the illumination device in association with each other. Finally, the position estimation device estimates a position of the terminal based on the illumination installation position information and the unique information received by the position estimation device from the terminal.

In their response of October 23, 2008, Applicants argued that, contrary to the recitation of Claim 1 and 59, Friday does not disclose a system or a method where the position estimation device receives any kind of information from the terminal. Instead, as shown in Fig. 1 of Friday, the wireless node location module 59 receives signals from the radio transceivers 58 and not from the wireless node 56. Moreover, Applicants argued that the wireless node 56 does not receive or extract any unique information from the signal transmitted by the radio transceivers 58.

The Examiner responded to these arguments by stating that “[a] radio frequency transceiver 58 receives, then transmits positioning information received from another radio transceiver to a wireless node location module 59 (Column 10, lines 9-13), where a radio transceiver serves the purpose of the terminal, which is to extract unique information from the signals it receives and transmit said unique information to said wireless node location module.” In other words, the Examiner believes the radio transceivers 58 of Friday to be equivalent to the Applicants’ limitation of the “terminal” and the wireless node location module 59 to be equivalent to the Applicants’ “position estimation device.”

However, in his interpretation, the Examiner disregards the limitation of Claims 1 and 59 requiring that the position estimation device is “configured to estimate a position of the terminal.” Contrary to this limitation, the wireless node location module 59 of Friday does not estimate a position of the radio transceivers 58, whose positions are known. *See*, Friday, col. 4, lines 50-52. Instead, the wireless node location module 59 locates a position of the wireless node 56, which

does not send any information to the wireless node location module and does not receive or extract any information from the transceivers 58.

Therefore, either Friday does not disclose the limitations of Claims 1 and 59 requiring that the terminal is “communicably connected to the illumination device and configured to extract the unique information from the signal transmitted from the illumination device” and that the position estimation device is “communicably connected to the terminal and receiving the unique information from the terminal,” or it does not disclose the limitation of Claims 1 and 59 requiring that the position estimation device is “configured to estimate a position of the terminal.”

Neither, Nakagawa nor any other cited reference remedies this deficiency of Friday. Therefore, Claims 1 and 59 are allowable over the cited prior art.

Independent Claim 78 includes similar limitations. Therefore, Claim 78 is allowable over the cited prior art.

Claims 5-8, 10-13, 15-27, 30-38, 40-49, 51-52, 54-58, 62-74, 79 and 82-110 depend directly or indirectly from Claims 1, 59 and 78. Therefore, Claims 5-8, 10-13, 15-27, 30-38, 40-49, 51-52, 54-58, 62-74, 79 and 82-110 are allowable over the cited prior art at least for the same reasons as Claims 1, 59 and 78 and, further, on their own merits.

Favorable reconsideration of the rejections and allowance of all pending claims is respectfully requested.

Accordingly, the Examiner is respectfully requested to reconsider the application, allow the claims as amended and pass this case to issue.

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